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15  
16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

18 United States of America,

19 Plaintiff,

20 vs.

21 Twitter, Inc.,

22 Defendant.

Case No. 3:22-cv-3070-TSH

**DECLARATION OF DANIEL R.  
KOFFMANN IN SUPPORT OF  
X CORP.'S ADMINISTRATIVE MOTION  
TO SEAL**

The Hon. Thomas S. Hixson

23  
24 **DECLARATION OF DANIEL R. KOFFMANN**

25 I, Daniel R. Koffmann, pursuant to 28 U.S.C. § 1746 and upon penalty of perjury, declare  
26 as follows:

27 1. I am a partner with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
28 counsel for X Corp., successor in interest to Defendant Twitter, Inc. I am a member in good standing

1 of the Bar of the State of California. I make this declaration based on personal knowledge and, if  
2 called as a witness, I could and would testify competently to the matters set forth herein. I make  
3 this declaration in support of X Corp.'s Administrative Motion to File Under Seal Certain  
4 Documents the United States Filed in Support of its Opposition to X Corp.'s Motion for Protective  
5 Order and Relief from Consent Order.

6       2. I reviewed the X Corp. materials submitted under seal by the United States in  
7 connection with its Motion to Consider Whether Other Parties' Material Should be Sealed, Dkt. No.  
8 43, and identified redactions narrowly tailored to protect X Corp.'s confidential information. On  
9 September 18, 2023, an attorney working at my direction transmitted highlighted copies of those  
10 materials to the Court and the United States by email. X Corp. transmitted these materials by email  
11 because the ECF system did not permit the filing of attachments to X Corp.'s responsive statement  
12 under seal.

13       3. Attached as Exhibit 1 is a true and correct copy of an email communication sent at  
14 10:20 PM EDT (7:20 PM PDT) on September 18, 2023, by which X Corp. transmitted highlighted  
15 copies of the United States's opposition motion and exhibits to the Court and the United States.

16       4. Attached as Exhibit 2 is a true and correct copy of Dkt. No. 42-3 (Exhibit C to the  
17 Kennedy Declaration), excerpts of the transcript of the videoconference deposition of Seth Wilson,  
18 taken on behalf of the Federal Trade Commission dated May 5, 2023, with X Corp.'s proposed  
19 redactions in yellow highlights.

20       5. Attached as Exhibit 3 is a true and correct copy of Dkt. No. 42-4 (Exhibit D to the  
21 Kennedy Declaration), excerpts of the videoconference deposition of Andrew Sayler, taken on  
22 behalf of the Federal Trade Commission dated April 19, 2023, with X Corp.'s proposed redactions  
23 in yellow highlights.

24       6. Attached as Exhibit 4 is a true and correct copy of Dkt. No. 42-5 (Exhibit E to the  
25 Kennedy Declaration), excerpts of the transcript of the videoconference deposition of Damien  
26 Kieran, taken on behalf of the Federal Trade Commission dated December 2, 2022, with X Corp.'s  
27 proposed redactions in yellow highlights.

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8. Attached as Exhibit 6 is a true and correct copy of Dkt. No. 42-7 (Exhibit G to the Kennedy Declaration), Exhibit 1 to the videoconference deposition of Lea Kissner, taken on behalf of the Federal Trade Commission dated December 7, 2022, with X Corp.'s proposed redactions in yellow highlights.

I declare under penalty of perjury that the foregoing is true and correct.

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/s/ Daniel R. Koffmann